

Serial No. 10/538,665

Amendment Dated: May 1, 2008

Reply to Office Action Mailed: November 1, 2007

Attorney Docket No. 095309.56394US

REMARKS

Applicants thank the Examiner, Mr. Labbees for his courtesy and assistance in advancing the prosecution of this application during an interview conducted April 30, 2008. During the interview, Applicants discussed a proposed amendment to Claim 10, and at the completion of the discussion, it was concluded that, as amended, Claim 10 appears to distinguish over the cited Whipp et al. reference. In addition, counsel also pointed out that newly submitted Claim 20 also includes the same limitations as were discussed with regard to Claim 10. Accordingly, Claims 10 and 20, and therefore all claims of record in this application are now believed to be allowable. A discussion of the grounds of rejection contained in the Office Action follows.

Claim 16 has been rejected under 35 U.S.C. §112, second paragraph, based on the absence of an antecedent basis for the recited chassis number. In response to this ground of rejection, Applicants have amended Claim 16 to eliminate the wording "in addition to", which appears to form the basis for this ground of rejection. Accordingly, reconsideration and withdrawal of the rejection of Claim 16 is respectfully requested.

Claims 10, 12 and 15 have been rejected under 35 U.S.C. §102(b) as anticipated by Whipp et al (Published U.S. Patent Application No.

Serial No. 10/538,665

Amendment Dated: May 1, 2008

Reply to Office Action Mailed: November 1, 2007

Attorney Docket No. 095309.56394US

2002/0022979), while Claims 11, 13, 14 and 16-19 have been rejected under 35 U.S.C. §103(a) as unpatentable over Whipp et al in view of Müller (U.S. Patent No. 7,003,320). However, for the reasons set forth hereinafter, Applicants respectfully submit that all claims of record in this application, including new Claims 20-25, distinguish over the cited references, whether considered separately or in combination.

The present invention is directed to a method for authorizing or enabling the provision of telematic services in a vehicle. In particular, the invention provides a technique by which a telematics center, situated outside the vehicle, authorizes the provision of telematics services (such as vehicle navigation, etc.) via a communication link between the telematics center and on-board telematics controller which is situated in the vehicle.

In order for such authorization to take place, it is necessary for the telematics center to obtain information which permits it to identify a particular mobile communications link with the particular vehicle, as well as information regarding the particular telematics services which are to be provided to that vehicle. In previously known systems of this general type, the process by which such authorization is granted has required that the vehicle itself, or a user of the vehicle, communicate the latter information to the communication center via an existing communications link. (See, for example, paragraphs [0006] and [0007] of the specification.)

Serial No. 10/538,665

Amendment Dated: May 1, 2008

Reply to Office Action Mailed: November 1, 2007

Attorney Docket No. 095309.56394US

According to the present invention, however, the information necessary to enable the telematics center to identify the telematics services which are to be provided to a vehicle in question, as well as the information necessary to permit the telematic center to establish communications with the vehicle (for example, a telephone number) are supplied to the telematics center separately, by both the manufacturer of the vehicle and a supplier of the mobile communications link as illustrated in Figure 1. With this information, as noted in paragraph [0010], the telematics center is able to associate the data which identifies the motor vehicle with the data which identifies the mobile radio link that has been installed in the vehicle. In this manner, the telephone number (for example) of the motor vehicle is known in the telematic center, potentially before the vehicle is even placed into service. Accordingly, the vehicle is ready for use by an owner as soon as it leaves the factory ("ex works"), without need for further authorization procedures and without need of communication from the vehicle to the telematic center, or vice versa.

The foregoing features of the invention are included in Claim 1 (for example), which defines a method for authorizing the provision of telematic service to a vehicle via a mobile radio link between an external telematic center and a telematics controller that has been provided to the vehicle by a first source, such as a vehicle manufacturer. The mobile radio link, on the other hand, has

Serial No. 10/538,665

Amendment Dated: May 1, 2008

Reply to Office Action Mailed: November 1, 2007

Attorney Docket No. 095309.56394US

been provided to the telematics controller by a second source, such as a mobile telecommunications service provider.

As recited in Claim 10, the first source provides the telematic center with first data from a first database maintained by the first source, which first data identifies the motor vehicle, while the second source provides the telematic center with second data from a second database maintained by the second source, which identifies the mobile radio link. The telematic center then associates the data that identifies the motor vehicle with the data that identifies the mobile radio link and automatically authorizes the provision of telematic services to the vehicle via the mobile radio link. For this purpose, no communication is required between the telematics controller on board the vehicle, and the telematics center, the information necessary to permit the authorization being provided by the first source and the second source.

New Claim 20 is similarly limited, and recites in particular that the first source provides the telematic center with first data that includes an identification of the vehicle, together with a subscriber identification number for the telematics controller, while the second source provides the second data which identifies, and enables access to, the mobile communications link, and also includes the subscriber identification number. Finally, the last paragraph of Claim 20 recites that the telematics center uses the first and second data "to enable, automatically and without need of action by a user of the vehicle, the

provision of telematic services to the vehicle via the communications link". Claims 17 and 21 further specify that the telematics center associates the mobile communications link with the vehicle, based on the subscriber identification number provided by the first and second sources.

The latter features of the invention are not taught or suggested in the Whipp et al reference, which discloses an automated vehicle rental system. As a general matter, it should be noted in this regard that Whipp et al does not address the authorization of the provision of telematics services. Rather, the end result in Whipp et al is that a centralized data management system sends a signal to a local computer located on board the vehicle authorizing the local computer to enable unlocking and starting of the vehicle, as described, for example, at paragraph [0026], lines 11-20, and especially, lines 16-20; and paragraph [0031], at lines 10-16. (See also paragraph [0061], lines 16-21.) That is, what is "authorized" is the unlocking and starting of the vehicle.

According to Whipp et al, a prospective user of the vehicle commences the authorization process by entering information into an onboard computer, or via a collateral communications link. The information entered by the user is sent to the centralized data management system via a data communication link. A centralized data management system then authorizes release of the vehicle, and sends a signal that enables it to be unlocked and started by the user. (See

Serial No. 10/538,665

Amendment Dated: May 1, 2008

Reply to Office Action Mailed: November 1, 2007

Attorney Docket No. 095309.56394US

generally Figure 4, and the discussion thereof at paragraphs [0057]-[0065].) As noted in particular in paragraph [0061],

“Once authorization is granted, the authorization signal is communicated from the central data management system 14 to local computer 24, the state of the vehicle passes from the unengaged state 71 to the engaged state 272 and to the enabled mode 84, and the vehicle is released to the user.”

As further noted in paragraph [0062], lines 1-3, upon entry into the enabled mode 84, “the local computer 24, via the keyless entry system 21, unlocks the vehicle’s doors, and enables ignition 30”.

In Whipp et al, the issue addressed and resolved by the present invention (namely, how a telematics center obtains information sufficient to associate the particular telematics services which are to be provided as well as the telephone number, or other communications link, with the vehicle in question for the purpose of providing telematics services) does not arise, and is not discussed. Rather, information is provided (for a different purpose) by the user himself, communicating with the centralized data management system, and identifying the vehicle which he or she wishes to obtain.

Accordingly, Applicants respectfully submit that Whipp et al does not include the following features recited in Claims 10 and 20:

1. Whipp et al. contains no disclosure which suggests that first data which identify the motor vehicle are provided to the telematics center by a first source, which provided the telematics controller to the vehicle;
2. It contains no suggestion that second data which identify the mobile radio link for the vehicle in question provided to the telematics center by a second source which is different from the first source, and which provided the mobile radio link to the telematics controller;
3. It does not teach or suggest that a telematic center associates the data from the first source with the data from second source to identify the vehicle and the mobile radio link, and to automatically authorize the provision of telematic services to the vehicle via the mobile radio link;
4. Whipp et al does not provide a method which authorizes the provision of telematics services to a vehicle.

The Müller reference, on the other hand, discloses a method for controlling a user terminal of a communications network. The manner of operation of the system is illustrated by the flow chart in Figure 3, and is described in the specification at Column 5, line 26 through Column 6, line 17. As indicated at Column 5, lines 6-14, when a user inserts a SIM card into the device, the telematics unit is activated and can be operated in a “restricted using mode” that is automatically enabled upon startup. If the restricted using mode is currently enabled in step S20, in step S40, a determination is made whether the telephone number which has been input (step S30) is included in the restricted using mode list. If so, the number is dialed in step S50. If not, however, the request is rejected in step S45.

While the Müller system is directed generally to the provision of desired telematics services, for example, to a user who rents a rental car and elects to receive certain services, it is otherwise unrelated to the subject matter of the present invention. In particular, Müller et al fails to teach or suggest those features of the invention, noted with particularity above, which are not taught or suggested in Whipp et al. Accordingly, Applicants respectfully submit that Claims 10 and 20, and therefore all claims of record in this application, distinguish over the cited references and are allowable.

In light of the foregoing remarks, this application should be in consideration for allowance, and early passage of this case to issue is respectfully

Serial No. 10/538,665

Amendment Dated: May 1, 2008

Reply to Office Action Mailed: November 1, 2007

Attorney Docket No. 095309.56394US

requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #095309.56394US).

Respectfully submitted,



Gary R. Edwards
Registration No. 31,824

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
GRE:kms
5523274_1